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10/563,187	12/30/2005	Christopher G. de Janasz	1043-005	5857
7590 Michael N Haynes 1341 Huntersfield Close Keswick, VA 22947				
EXAMINER				
LE, NANCY LOAN T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,187

Applicant(s)

DE JANASZ, CHRISTOPHER G.

Examiner

NANCY T. LE

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

Applicant's Amendment filed on 04 February 2009 is acknowledged.

This paper is assigned Paper No. 20090511 by the Examiner.

Status of Claims

Claims 1-33 have been examined and pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6-8, 10-18, 29-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,898,397 (Murray) in view of US Patent No. 5,748,101 (Christensen), in view of U.S. Patent Application Publication No. 2002/0178063 A1 (Gravelle et al; hereafter "Gravelle '063").

As per **claims 1 and 6**, Murray '397 discloses a computer-implemented method comprising:

- receiving a signal from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the signal comprising an encrypted unique identifier (i.e., encoded serial ID), the encrypted unique identifier not comprising a financial account number or a user-provided PIN, the signal transmitted responsive to a predetermined input from a user (col. 4 lines 29-51, col. 6 lines 40-49, col. 7 lines 3-22, col. 9 lines 16-51);
- transmitting the encrypted unique identifier to a central processor adapted to approve the proposed transaction (col. 4 lines 29-51, col. 6 lines 40-49, col. 7 lines 3-22, col. 9 lines 16-51); and
- receiving an approval from the central processor to complete the proposed transaction (col. 4 lines 29-51, col. 6 lines 40-49, col. 7 lines 3-22, col. 9 lines 16-51).

Murray '397 does not expressly disclose such a method comprising:

- ❖ the signal transmitted responsive to "*a predetermined number of headlight high beam switch activations **within a predetermined time interval***" {claims 1 and 6}.

Christensen '101, however, teaches an encoded signal transmitted from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, wherein the signal transmitted responsive to "*a predetermined number of headlight high beam switch activations **within a predetermined time interval***" {claims 1 and 6} (col. 3 line 63 – col. 5 line 9, col. 11 lines 1-4, col. 37 lines 1-19) to prevent inadvertent switch

activations as well as to provide a number of other motivations provided in this prior art (col. 5 line 21 – col. 6 line 11).

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method comprising all the limitation of claim 1 as disclosed above by Murray '397 to add the aspect of "*a predetermined number of headlight high beam switch activations **within a predetermined time interval***" {claims 1 and 6} as taught by Christensen '101 to prevent inadvertent switch activations as well as to provide a number of other motivations provided in this prior art (col. 5 line 21 – col. 6 line 11).

Neither Murray '397 nor Christensen '101 teaches or suggests a method further comprising:

- ❖ *the transmitted signal requesting approval of a proposed financial transaction, fulfillment of the proposed financial transaction not involving the transmitter; and*
- ❖ *responsive to an automatic determination that the unique identifier is associated with a valid financial account, or the proposed financial transaction involving the valid financial account associated with the unique identifier.*

Gravelle '063, however, teaches a method further comprising:

- ❖ *the transmitted signal requesting approval of a proposed financial transaction, fulfillment of the proposed financial transaction not involving the transmitter [0016 – 0019, 0025 – 0031]; and*

❖ *responsive to an automatic determination that the unique identifier is associated with a valid financial account, or the proposed financial transaction involving the valid financial account associated with the unique identifier* [0016 – 0019, 0027, 0028],

to request approval, authorization or completion of the proposed financial transaction as well as to ensure there is at least a legitimate source of funds to cover or pay for charges incurred from the proposed financial transaction [0030, 0031].

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method comprising all the limitation of claim 1 as taught by Murray '397 and Christensen '101 above to add the aspect of *"the transmitted signal requesting approval of a proposed financial transaction, fulfillment of the proposed financial transaction not involving the transmitter; and responsive to an automatic determination that the unique identifier is associated with a valid financial account, or the proposed financial transaction involving the valid financial account associated with the unique identifier"* to request approval, authorization or completion of the proposed financial transaction as well as to ensure there is at least a legitimate source of funds to cover or pay for charges incurred from the proposed financial transaction [0030, 0031].

Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 2, 16, 17 and 18**, Murray '397 v. Christensen '101 v. Gravelle '063 teach the method of claims 1 and 15, respectively, further comprising transmitting a request for or obtaining an approval of the proposed financial transaction (inherently included in any one of the three references; Murray, col. 4 lines 29-51, col. 6 lines 40-49, col. 7 lines 3-22, col. 9 lines 16-51).

As per **claims 7 and 8**, Murray '397 v. Christensen '101 v. Gravelle '063 teach the method of claim 1, further comprising requesting and receiving, respectively, the PIN from the user (see at least Murray, col. 3 lines 44-49, col. 8 line 46 – col. 9 line 40; Gravelle [0020], [0027], [0039]).

As per **claim 10**, Murray '397 v. Christensen '101 v. Gravelle '063 teach the method of claim 1, wherein the proposed financial transaction comprises provision of access to a physical location (i.e., access to parking garages – see at least Murray or Christensen).

As per **claims 11 and 12**, Murray '397 v. Christensen '101 v. Gravelle '063 teach the method of claim 1, wherein the proposed financial transaction comprises provision of a product, service, respectively (i.e., fuel, other retailing services – Gravelle [0020], [0024], [0026], [0028]).

As per **claim 13**, Murray '397 v. Christensen '101 v. Gravelle '063 teach the method of claim 1, wherein encryption of the unique identifier utilizes a code-hopping technique (Murray '397, col. 3 lines 50-51).

As per **claim 14**, Murray '397 v. Christensen '101 v. Gravelle '063 v. teach a system comprising:

- an input processor adapted to receive a signal from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the signal comprising an encrypted unique identifier, the encrypted unique identifier not comprising a financial account number or a user-provided PIN, the signal transmitted responsive to a predetermined input from a user, the signal requesting approval of a proposed transaction, fulfillment of the proposed transaction not involving the transmitter (i.e., a built-in/'inherently included' *central processing unit {CPU}*, or the remote control transmitter – see at least Murray '397, col. 3 lines 4-17. The CPUs/processors, which are old and well-known in the art, interpret *instructions* and processes *data* contained in computer programs, provide the fundamental digital computer trait of *programmability*, and are one of the necessary components found in computers of any era, along with *primary storage* and *input/output* facilities. Also please see claim 1 for further citation);
- an output processor adapted to transmit the encrypted unique identifier to a central processor adapted to, responsive to an automatic determination that the unique identifier is associated with a valid financial account, approve the proposed transaction (i.e., a built-in/'inherently included' *central processing unit {CPU}*, or a transmitting device – see at least Murray '397, col. 3 lines 4-17 and Gravelle '063, [0016 – 0019, 0025 – 0031]. The CPUs/processors, which are old and well-known in the art, interpret *instructions* and processes *data* contained in computer programs, provide the fundamental digital

computer trait of *programmability*, and are one of the necessary components found in computers of any era, along with *primary storage* and *input/output* facilities. Also please see claim 1 for further citation.); and

- an approval processor adapted to receive an approval from the central processor to complete the proposed financial transaction, the proposed financial transaction involving the valid financial account associated with the unique identifier (i.e., a built-in/'inherently included' *central processing unit* {CPU}, or a receiver – see Murray '397, col. 9 lines 42-51 and Gravelle '063, [0016 – 0019, 0025 – 0031] . The CPUs/processors, which are old and well-known in the art, interpret *instructions* and processes *data* contained in computer programs, provide the fundamental digital computer trait of *programmability*, and are one of the necessary components found in computers of any era, along with *primary storage* and *input/output* facilities. Also please see claim 1 for further citation).

As per **claim 15**, Murray '397 v. Christensen '101 v. Gravelle '063 v. teach a method comprising:

- at a central processor (i.e., a built-in/'inherently included' *central processing unit* {CPU}, or a receiver – see at least Murray '397, col. 3 lines 4-49, col. 9 lines 42-51), receiving information originating from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the information comprising an encrypted unique identifier, the encrypted unique identifier not comprising a financial account number or a user-provided PIN, the

information provided from the wireless transmitter responsive to a predetermined input from a user, the information requesting approval of a proposed financial transaction, fulfillment of the proposed financial transaction not involving the wireless transmitter (also, see claim 1 for further citation); and

- responsive to an automatic determination that the unique identifier is associated with a valid financial account, automatically transmitting an approval to complete the proposed financial transaction, the proposed financial transaction involving the valid financial account associated with the unique identifier (see claim 1 for citation).

As per **claim 29**, Murray '397 v. Christensen '101 v. Gravelle '063 v. teach the method of claim 15, further comprising decrypting the encrypted unique identifier (Murray '397, col. 9 lines 41-51).

As per **claim 30**, Murray '397 v. Christensen '101 v. Gravelle '063 v. teach the method of claim 15, further comprising causing a comparison of the unique identifier with a list of unique identifiers associated with valid financial accounts (comparison is inherently included in Gravelle, [0030]).

As per **claim 31**, Murray '397 v. Christensen '101 v. Gravelle '063 v. teach the method of claim 15, transmitting instructions requesting a transfer of funds associated with the valid financial account responsive to the approval (Gravelle [0027], [0030], [0031]).

Claims 3-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,898,397 (Murray) in view of US Patent No. 5,748,101 (Christensen), in view of U.S. Patent Application Publication No. 2002/0178063 A1 (Gravelle et al; hereafter "Gravelle '063") and further in view of US 5,805,082 (Hassett).

As per claims 3-5, none of the Murray '397, Christensen '101 and Gravelle '063, taken alone or in combination thereof teaches or suggests a method further comprising *"receiving an acknowledgment of fulfillment of the proposed financial transaction {to the transmitter/user}"*.

Hassett '082, however, teaches a method further comprising *"receiving or providing an acknowledgment of fulfillment of the proposed financial transaction {to the transmitter/user}"* (col. 4 lines 9-19, col. 13 lines 29-44) to notify and/or receive by the transmitter/user an acknowledgement that the proposed financial transaction is complete.

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method comprising all the limitation of claim 1 as taught by Murray '397, Christensen '101 and in view of Gravelle '063 above to add the aspect of *"receiving or providing an acknowledgment of fulfillment of the proposed financial transaction {to the transmitter/user}"* as taught by Hassett '082 to notify and/or receive by the transmitter/user an acknowledgement that the proposed financial transaction is complete.

Claims 9, 19, 20, 32 and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,898,397 (Murray) in view of US Patent No. 5,748,101 (Christensen), in view of U.S. Patent Application Publication No. 2002/0178063 A1 (Gravelle et al; hereafter "Gravelle '063") and further in view of US 2003/0020634 (Banerjee).

As per **claim 9**, none of the Murray '397, Christensen '101 and Gravelle '063, taken alone or in combination thereof teaches or suggests a method further comprising *"polling for the signal"*.

Banerjee '634, however, teaches a method further comprising *"polling for the signal"* ([0040], Fig. 6 item 606) to track a vehicle while the vehicle is in the priority/express lane.

Therefore, it would have been obvious to and motivated by an ordinary skill in the art at the time the invention was made to modify a method comprising all the limitation of claim 1 as taught by Murray '397, Christensen '101 and in view of Gravelle '063 above to add the aspect of *"polling for the signal"* as taught by Banerjee to track a vehicle while the vehicle is in the priority/express lane.

As per **claims 19, 20, 32 and 33**, Murray '397 v. Christensen '101 v. Gravelle '063 v. teach a method comprising all the limitations included in claim 15 above.

None of those references, taken alone or in combination thereof teaches such a method further comprising *"obtaining/transmitting/storing/reporting a rejection of the proposed financial transaction"*.

Banerjee, however, teaches a method further comprising
"obtaining/transmitting/storing/reporting a rejection of the proposed financial transaction"
[0039], [0046] to store and report the rejection of the proposed financial transaction for
future action against an offender.

Therefore, it would have been obvious to and motivated by an ordinary skill in the
art at the time the invention was made to modify a method comprising all the limitation
of claim 15 as taught by Murray '397, Christensen '101 and in view of Gravelle '063
above to add the aspect of *"obtaining/transmitting/storing/reporting a rejection of the
proposed financial transaction"* to store and report the rejection of a proposed financial
transaction for future action against an offender.

Claims 21-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over
U.S. Patent No. 5,898,397 (Murray) in view of US Patent No. 5,748,101 (Christensen),
in view of U.S. Patent Application Publication No. 2002/0178063 A1 (Gravelle et al;
hereafter "Gravelle '063") and further in view of US Patent No. 5,819,234 (Slavin et al.;
hereinafter "Slavin").

As per claims 21-24, Murray '397 v. Christensen '101 v. Gravelle '063 teach a
method of approving a proposed financial transaction comprising all the
limitations/features as shown in claim 15 above.

None of Murray '397 v. Christensen '101 v. Gravelle '063 taken individually or in
combination thereof teaches such a method of approving a proposed financial
transaction, the method further comprising transmitting a rejection of the proposed

financial transaction responsive to the proposed financial transaction exceeding a predetermined amount (claim 21), responsive to a total amount associated with one or more financial transactions exceeding a predetermined amount (claim 22), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined counter-party (claim 23), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined time interval for a predetermined counter-party (claim 24).

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to the proposed financial transaction exceeding a predetermined amount (claim 21), responsive to a total amount associated with one or more financial transactions exceeding a predetermined amount (claim 22), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined counter-party (claim 23), responsive to the proposed financial transaction exceeding a predetermined amount for a predetermined time interval for a predetermined counter-party (claim 24) (i.e., obtaining/transmitting a rejection of the proposed financial transaction if the proposed transaction exceeds a predetermined amount for a predetermined counter-party – see Slavin at least col. 10 lines 5-13, to transmit or report the rejection of the proposed transaction).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of Murray, Christensen and Gravelle references to transmit or

report the rejection of the proposed transaction. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 25 and 26**, Murray '397 v. Christensen '101 v. Gravelle '063 teach a method of approving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above.

None of Murray '397 v. Christensen '101 v. Gravelle '063 taken individually or in combination thereof teaches such a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a counter-party to the proposed financial transaction is a predetermined restricted counter-party.

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a counter-party to the proposed financial transaction is a predetermined restricted counter-party (The Office interprets a restricted counter-party and restricted subject matter are motorist(s) {i.e., restricted counter-party} who has/have negative balance, i.e., who has no money left and further owes money, in his/her account against which the toll is charged/debited {i.e., restricted subject matter} – see Slavin, at least col. 10 lines 5-13 to obtain or transmit a rejection of the proposed financial transaction for a certain restricted counter-party or subject matter.).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of Murray, Christensen and Gravelle references to transmit or report the rejection of the proposed transaction for a predetermined restricted counter-party or subject matter. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claims 27 and 28, Murray '397 v. Christensen '101 v. Gravelle '063 teach a method of approving a proposed financial transaction comprising all the limitations/features as shown in claim 15 above.

None of Murray '397 v. Christensen '101 v. Gravelle '063 taken individually or in combination thereof teaches such a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a time of the proposed financial transaction is a predetermined restricted time/date.

Slavin, however, teaches a method of approving a proposed financial transaction, the method further comprising transmitting a rejection of the proposed financial transaction responsive to a time of the proposed financial transaction is a predetermined restricted time/date (Slavin, at least col. 10 lines 31-33. The Office interprets the toll system implicitly rejects the proposed financial transactions, i.e., toll

charges generated from the same transponder within a given time period at geographically remote toll plazas, to transmit a rejection of the proposed financial transaction if the time of the proposed transaction is a predetermined date and time.).

Therefore, it would have been obvious to add those limitations taught in the Slavin reference above to the method of approving a proposed financial transaction taught in the combination of Murray, Christensen and Gravelle references to transmit a rejection of the proposed financial transaction if the time of the proposed transaction is a predetermined date and time. Since the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

Applicant's arguments filed 04 February 2009 have been fully considered but they are not persuasive.

The Office respectfully disagrees with Applicant's argument that Murray reference is not pertinent to the claimed subject matter because Murray does disclose transmitting an encoded signal which includes an encoded/encrypted unique transmitter serial number, a unique manufacturer key and a counter value 134 using rolling code or code hopping encryption technique as shown in figure 11 from a wireless transmitter attached to a vehicle to a remote receiver. When activated by a user manipulatable switch 136, the microcontroller 130 executes a proprietary, non-linear algorithm utilizing

the transmitter serial number, the manufacturer key and the counter value to generate an output signal which is transmitted by a transmitter element 138 to the receiver. The receiver also executes a non-linear algorithm to decode the transmitted signal to reconstruct the transmitter counter value, the manufacturer key and the serial number. When the serial number matches and the transmitter counter values are identical or within a prescribed, allowable numeric range, the receiver will generate an output signal to a control device to open a garage door, vehicle door lock, etc.. So, in other words, when the serial number matches and the transmitter counter values are identical or within a prescribed, allowable numeric range, the receiver will generate an output signal to a control device to authorize and complete the proposed transaction which is opening a garage door or vehicle door lock, and so on (Murray, col. 8 line 45 – col. 10 line 10). Therefore, Murray does teach or suggest a method and procedures that may be used to operate the remote control transmitter if incorporated into the vehicle's high beam switch or otherwise permanently mounted to the vehicle to authorize and complete a proposed transaction as claimed (Murray, col. 10 lines 1-10). Thus, the Murray reference is considered pertinent (i.e., analogous art) to the claimed subject matter.

Similar reasoning applied to the Christensen reference, thus, Christensen is also considered pertinent (i.e., analogous art) to the claimed subject matter.

The Office respectfully disagrees with Applicant's argument that all the references used in the rejections above, taken individually or in combination thereof,

does not concern about a **financial** transaction because Gravelle indeed suggests a payment system using RFID transponders ([0016 – 0019, 0025 – 0031]).

Lastly, the Office respectfully disagrees with Applicant's argument that all the references used in the rejections above, taken individually or in combination thereof, does not provide a reason to combine those references because at least Murray at col. 10 lines 1-10 does provide a reason or motivation to combine the references.

Conclusion

Examiner has cited particular columns and line numbers and/or paragraph and/or page numbers in the prior arts of record as applied to the claims above in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to fully consider the references in its **entirety** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday - Friday, 9am - 6:00pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW J. FISCHER can be reached on **(571) 272-6779**.

For **official/regular communication**, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

For **informal/draft communication**, the fax number is **(571) 273-7066**
(Rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **<http://pair-direct.uspto.gov>**. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

NANCY T. LE
Examiner, Art Unit 3621

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621